

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

LELLA V. MOSS, by agent and next friend)
Tommy Moss, *et al.*,)
Plaintiffs,)
v.)
UNKNOWN TN DHS APS)
COMMISSIONERS, SUPERVISORS,)
ATTORNEY, individually, *et al.*,)
Defendants.)
)

) Civil No. 2:07-0012
Judge Trauger
Magistrate Judge Bryant

ORDER

On January 30, 2009, the Magistrate Judge issued a Report and Recommendation (Docket No. 124), to which no timely objections have been filed.¹ This Report and Recommendation is therefore **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, it is hereby **ORDERED** that plaintiff Linda Harris's Motion to Remand (Docket No. 95) is **GRANTED**, and Ms. Harris's state court declaratory judgment action is hereby remanded to the Chancery Court for Jackson County,

¹It must be noted that, on February 11, 2009, the plaintiff requested an additional forty-five days to object to the Reports and Recommendations entered January 30, 2009 (Docket No. 124) and February 4, 2009 (Docket No. 128). (Docket No. 132.) By Order entered February 12, 2009, the plaintiff was granted an extension to March 9, 2009. (Docket No. 135.) On February 27, 2009, the plaintiff requested a further extension to March 31, 2009, to file objections (Docket No. 140), which was granted in part by Order entered March 10, 2009, which set a March 25, 2009 deadline. (Docket No. 141.) On March 25, 2009, the plaintiff requested an extension to March 31, 2009 (Docket No. 145), which was granted, with a deadline of 12:00 p.m. (noon) on March 31, 2009. (Docket No. 149.) This Order is being entered in the early afternoon hours of March 31, 2009, and no additional request for an extension has been filed.

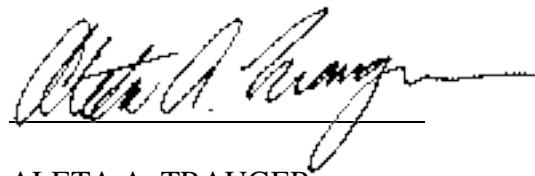
Tennessee.

On February 4, 2009, the Magistrate Judge issued another Report and Recommendation (Docket No. 128), to which no timely objections have been filed. This Report and Recommendation is therefore **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, it is hereby **ORDERED** that defendant Michael Collins's Motion to Dismiss (Docket No. 90) is **GRANTED**, and the Complaint, as amended, against Mr. Collins is **DISMISSED WITH PREJUDICE**.²

As other matters remain pending in this case, this case is **REFERRED** back to Magistrate Judge Bryant for further handling under the original referral Order.

It is so ordered.

Enter this 31st day of March 2009.



ALETA A. TRAUGER
United States District Judge

² The court has reviewed the materials referenced by plaintiff Tommy Moss in Mr. Moss's recent filings. (See Docket Nos. 146 and 147.) These materials do not affect the outcome of either Report & Recommendation. First, the materials fail to provide support for the proposition that the court has jurisdiction over the declaratory judgment action that Mr. Moss has attempted to remove to this court, and lack of jurisdiction was the primary basis for Judge Bryant's recommendation that the declaratory judgment action be remanded. (Docket No. 124.) Second, the materials fail to provide support for the proposition that Mr. Moss has standing to assert attorney malpractice claims against defendant Collins, and lack of standing was the primary basis for Judge Bryant's recommendation that plaintiff Moss's claims against Mr. Collins be dismissed. (Docket No. 128.)